

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO. 10-177</b>
<b>v.</b>	*	<b>SECTION: "B"</b>
<b>CORNELIUS BUTLER</b>	*	<b>VIOLATIONS: 18 U.S.C. § 922(g)(1)</b>
		<b>18 U.S.C. § 924(a)(2)</b>
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**FACTUAL BASIS**

Should this matter proceed to trial, the United States will prove beyond a reasonable doubt, through credible testimony of Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), state and local law enforcement agencies, witnesses and the production of reliable evidence, the following facts:

On February 24, 2010, at approximately 12:50 a.m., Plaquemines Parish Detective Curt Johnson, and Gretna Police Department Detectives Ashton Gibbs and Shawn Vinson, all members of the Major Crime Task Force, were conducting a pro-active patrol in Gretna, Louisiana, while manning a three-person unmarked police unit.

While traveling northbound on Franklin Ave., Det. Johnson observed a white Dodge Journey traveling northbound on Franklin Avenue without a license plate being visible. Det. Johnson initiated a traffic stop in the area of Franklin Avenue and Columbus Street, utilizing the unit's

emergency lights and siren.

The detectives exited the unit and Det. Johnson approached the driver side and advised the driver to roll down all four windows for officer safety as the window tint obscured the officers' view into the vehicle. Det. Gibbs approached the passenger-side rear window and was able to see the left rear passenger directly behind the driver's seat, later identified as **CORNELIUS BUTLER** ("**BUTLER**"), reach into his waistband and retrieve a black handgun. **BUTLER** then attempted to hide the handgun underneath the rear portion of the driver's seat. Det. Gibbs advised the other officers of the weapon by stating, "[G]un, gun, gun!" At this point, all subjects were ordered out of the vehicle.

**BUTLER**, the driver, the front seated passenger and the right rear passenger were briefly detained. Det. Johnson reached into the Dodge Journey and recovered a black Glock Model 36, .45 caliber pistol, bearing serial number HSW802, with seven (7) live rounds in the magazine, from underneath the driver's seat. An inquiry revealed that the gun had been reported stolen by the St. Charles Parish Sheriff's office.

Det. Gibbs performed a criminal record check for **BUTLER** and found him to be a previously convicted felon. Certified court records would show that **BUTLER** was convicted on January 29, 2009 in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case number 478-852 "E", for Possession of Cocaine in violation of LA-R.S. 967(C)(2), which is a crime punishable by more than one (1) year.

Det. Johnson asked **BUTLER** about the handgun and **BUTLER** stated that he had purchased the gun in the Seventh Ward in New Orleans for \$150.00 from an unknown black male.

ATF successfully test fired the Glock Model 36, .45 caliber pistol, bearing serial number

HSW802 and it meets the legal definition of a “firearm” as defined in Title 18, U.S.C. Section 921(a)(3).

If called to testify, ATF Special Agent Mike Eberhardt would offer the expert opinion that the firearm in question was not manufactured in the state of Louisiana, and therefore, it has affected interstate commerce.

**APPROVED AND ACCEPTED:**

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**CORNELIUS BUTLER**                      Date  
Defendant

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**CYNTHIA M. CIMINO**                      Date  
Attorney for Defendant

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**EDWARD J. RIVERA**                      Date  
Assistant U.S. Attorney